

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 07, 2016

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ROBERT THOMAS GUTHRIE,

Plaintiff,

v.

ELDON VALE, DONALD
HOLBROOK, BRENT CAULK, DR.
SMITH, DR. LONGANO, KEVIN
BOVENKAMP, DR. RODRIGEZ,
SHIRLEY NEISNER, PA MATT
SUMMERS, PA JOHN DOE, CRC
PANEL JOHN/JANE DOES (WSP),
RN2 McALEY, RN3 HOLENVINSKI,
JAMES TUCKER, LEE YOUNG,
MICHEAL ODEN, CRC PANEL
JOHN/JANE DOES (WCC),
MEDICAL RECORDS DEPARMENT
JOHN/JANE DOE, CHIEF MEDICAL
OFFICER HAMMOND and PA
JAMES DUNCAN,

Defendants.

NO: 4:15-CV-05106-SMJ

ORDER DISMISSING ACTION

By Order filed March 9, 2016, the Court directed that Ms. Patricia Guthrie,
the presumed successor or representative of Plaintiff, be personally served with a

1 copy of that Order suggesting the death of Plaintiff, ECF No. 15. The Clerk of
2 Court was instructed to mail copies of that Order, along with a copy of the Order to
3 Amend or Voluntarily Dismiss, ECF No. 14, to Ms. Guthrie at 4421 181st Pl SW,
4 Lynnwood, WA 98037.

5 Rule 25 of the Federal Rules of Civil Procedure provides that if a party dies,
6 unless substitution is made within 90 days of the service of a statement noting the
7 death, the action shall be dismissed as to the deceased party. *See* Fed.R.Civ.P.
8 25(a)(1). No motion for substitution has been made within 90 days after the Order
9 re: Suggestion of Death was personally served on Ms. Guthrie on March 15, 2016,
10 ECF No. 16. Therefore, **IT IS ORDERED** that this action is **DISMISSED**
11 pursuant to Fed. R. Civ. P. 25(a)(1).

12 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
13 enter judgment, forward copies to Ms. Patricia Guthrie at the above noted address,
14 and close the file. The Court certifies that any appeal of this decision would not
15 be taken in good faith

16 **DATED** this 7th day of July 2016.

17 
18 SALVADOR MENDOZA, JR.
19 United States District Judge
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